

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**UNITED STATES OF AMERICA,  
Plaintiff**

**vs.**

**ORTEGA-GUERRA, José Manuel  
Defendant**

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**Case No.: 97CR-87-6 (JAF)**

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE CONDITIONS,  
REQUESTING TOLLING OF SUPERVISION AND THE  
ISSUANCE OF A SUMMONS**

TO THE HONORABLE JOSE A. FUSTE  
CHIEF, U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

**COMES NOW, MIRIAM FIGUEROA, U.S. PROBATION OFFICER of this Court,**  
presenting an official report on the conduct and attitude of releasee, José Manuel Ortega-Guerra,  
who on January 8, 1998, was sentenced to sixty (60) months of imprisonment after pleading guilty  
of violating Title 21, U.S. Code, Section 846, to be followed by a five (5) year supervised release  
term. A special monetary assessment in the amount of \$100.00 was also imposed. As a special  
condition the offender was ordered substance abuse testing. On August 30, 2001, offender was  
released from confinement.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

Since his release from custody, the offender has violated the following supervision  
condition:

**1. CONDITION NO. 7 - “YOU SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”**

The offender tested positive to marihuana on August 22, 2006, seven (7) days prior to his supervised release term expiration date, that is August 29, 2006. The offender signed a form admitting the use of this illegal drug.

**WHEREFORE**, I declare under penalty of perjury that the above aforementioned is true and correct. In view that the offender violated his conditions it is respectfully requested, unless ruled otherwise, that the supervised release term be tolled and a summons be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 24<sup>th</sup> day of August 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Miriam Figueroa  
U.S. Probation Officer  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that on August 24, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Lynn M. Doble-Salicrup, Assistant U.S. Attorney, U.S. Attorney's Office, Chardón Tower, Suite 1201, 350 Carlos Chardón Street, San Juan, P.R. 00918 and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant: José Quetglas, Esq., P.O. Box 16606, San Juan, Puerto Rico 00908-6606.

In San Juan, Puerto Rico, this 24<sup>th</sup> day of August 2006.

s/Miriam Figueroa  
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